

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

MARK MILLER

PLAINTIFF

v.

No. 06-5050

BENTON COUNTY JAIL, et al.

DEFENDANTS

O R D E R

Now on this 21st^h day of September 2006, comes on for consideration the report and recommendation filed herein on August 28, 2006, by the Honorable Beverly Stites Jones, United States Magistrate Judge for the Western District of Arkansas. (Doc. 18.) No objections to the report and recommendation have been filed.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Defendants' **Motion to Dismiss the Benton County Jail (Doc. 12)** is **GRANTED** and this defendant is **DISMISSED**. Defendants' **Motion to Dismiss (Doc. 14)** is **DENIED**.

IT IS SO ORDERED.

/S/JIMM LARRY HENDREN
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE